

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

E*TRADE BANK,

Plaintiff,

VS.

PETER J. CRESCI, ET AL.

Defendants/Third Party
Plaintiffs

SCHILLER KNAPP LEFKOWITZ AND
HERTZELL, LLP and
BAYVIEW LOAN SERVICING, LLC

Third Party Defendants.

Case No. 18-CV-02392

NOTICE OF MOTION TO DISMISS COUNTERCLAIMS AND CROSSCLAIMS

TO: Peter J. Cresci, Esq.
Jennifer L. Cresci
838 Avenue A
Bayonne, New Jersey 07002-0074
Defendants/Third Party Plaintiffs

PLEASE TAKE NOTICE that on April 2, 2018, or as soon thereafter as counsel may be heard, the undersigned attorneys for Plaintiff, E*Trade Bank (“Plaintiff”) and Third Party Defendant, Bayview Loan Servicing, LLC (“Bayview”), shall move before the United States District Court for the District of New Jersey, Hon. Claire C. Cecchi, at the _____ for an Order granting the Motion to Dismiss Counterclaims and Crossclaims filed by Defendants Peter J. Cresci, Esq. and Jennifer L. Cresci (collectively the “Crescis”), pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that in support of the Motion, Plaintiff and Bayview shall rely upon the accompanying Memorandum of Law and Certification of Michael P. Trainor, Esq. A form of Order is also enclosed; and

PLEASE TAKE FURTHER NOTICE that oral argument is requested only in the event the Motion is opposed.

/s/ Michael P. Trainor
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